

Supreme Court, U. S.
FILED

~~SEP 17 1976~~

MICHAEL RODAK, JR., CLERK

IN THE
Supreme Court of the United States
OCTOBER TERM, 1976

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No. 75-1468
—

M. MORRIN & SON COMPANY, INC., *Petitioner*,
v.
BURGESS CONSTRUCTION COMPANY, et al., *Respondents*

—
**MOTION BY THE
ASSOCIATED GENERAL CONTRACTORS OF
WYOMING, INC. FOR LEAVE TO FILE
BRIEF AMICUS CURIAE**
—

KING & KING, CHARTERED
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Washington, D. C. 20036

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Comes now the Associated General Contractors of Wyoming, Inc., and moves for permission to file a brief amicus curiae in this case pursuant to Rule 42(1) and (3). Petitioner has advised Movant that it has no objections to the filing of the brief, but respondent has not given its consent.

Movant is the highway, heavy engineering and utility chapter of the Associated General Contractors of America serving the state of Wyoming. Its members performed approximately 99% of the highway con-

struction performed in Wyoming during Movant's past fiscal year, and its members performed a majority of the heavy engineering and utility work performed in Wyoming during that same period.

Movant believes that the Circuit Court of Appeals for the Tenth Circuit erred as a matter of law in concluding in this case (526 F.2d 108) that the prime construction contractor did not breach its contract with its subcontractor when it failed to turn over portions of the construction work site at the times contemplated in the contract by the parties. This issue is one that affects the entire construction industry and can be better addressed by segments of the industry rather than by the individual parties.

With regard to the issues involved, Movant is in basic agreement with the statements and views enunciated to the Court by amicus Utah Chapter of the Associated General Contractors of America, and Movant therefore adopts the Brief Amicus Curiae of the Utah Chapter as the further expression of its position herein.

Wherefore, Movant's request for leave to file an amicus brief should be granted, and its acquiescence in the Brief Amicus Curiae of the Utah Chapter of the Associated General Contractors of America should be appropriately noted.

Respectfully submitted,

KING & KING, CHARTERED

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